

REMARKS

Claims 1-9 and 12-17 are pending in the present application. Claims 1 and 2 have been amended to delete the claim limitation “phenylcarbonyloxymethyl.” The Applicants reserve the right to file the canceled subject matter in one or more continuing or divisional applications. Claim 17 has been amended to even further define the recited subject matter. No new matter has been added.

Rejections under 35 U.S.C. § 112

Claim 17 stands rejected under 35 U.S.C. § 112, second paragraph, as allegedly indefinite for not incorporating chemical transformations of claims 15 and 16 into claim 17. In light of the amendment to claim 17, reconsideration and withdrawal of the rejection is requested.

Claims 1-7 and 12-14 stand rejected under 35 U.S.C. § 112, first paragraph, as allegedly not complying with the written description requirement by including the claim term “phenylcarbonyloxymethyl” as a substituent for Ar³. While the Applicants do not necessarily agree, the claim term “phenylcarbonyloxymethyl” has been deleted from the claims. The rejection is considered moot.

Nonstatutory obviousness-type double patenting

Claims 1-9 and 12-15 stand rejected on the ground of nonstatutory obviousness-type double patenting as allegedly unpatentable over the claims of U.S. 7,410,970. While not conceding to the propriety of the rejection, a terminal disclaimer is filed herewith in order to advance the pending application to allowance.

The Applicants assert that the foregoing constitutes a full and complete response to the January 5, 2009 Office Action and that claims 1-9 and 12-17 are in condition for allowance. An early notice to that effect is, therefore, earnestly solicited. If the Examiner believes a conversation with the undersigned would expedite allowance of the application, she is invited to call (215) 564-8918.

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